

Docket No. 0325.00371

DECLARATION, POWER OF ATTORNEY AND PETITION

I, the undersigned inventor, hereby declare that:

My residence, post office address and citizenship are given next to my name;

I believe that I am the first, original and sole inventor of the subject matter claimed in the application for patent entitled **"HYBRID DATA TRANSPORT SCHEME OVER OPTICAL NETWORKS"**, which:

X is submitted herewith;

_____ was filed on _____ as Application Serial No. _____ and amended on _____;

I have reviewed and understand the contents of the above-identified application for patent (hereinafter, "this application"), including the claims;

I acknowledge the duty under Title 37, Code of Federal Regulations, Section 1.56, to disclose to the United States Patent and Trademark Office information known to be material to the patentability of this application. I also acknowledge that information is material to patentability when it is not cumulative to information already provided to the United States Patent and Trademark Office and when it either

compels, by itself or in combination with other information, a conclusion that a claim is unpatentable under the preponderance of evidence standard, giving each term in the claim its broadest reasonable construction consistent with the application, and before any consideration is given to evidence which may be submitted to establish a contrary conclusion of patentability, or

refutes or is inconsistent with a position taken in either (i) asserting an argument of patentability, or (ii) opposing an argument of unpatentability relied on by the United States Patent and Trademark Office;

I hereby claim the priority benefit under Title 35, Section 119(e), of the following United States provisional patent applications:

Application No.

Filing Date

I hereby claim the priority benefit under Title 35, Section 120, of the following United States patent applications:

Serial No.

Filing Date

Status

00470 356T000

Docket No. 0325.00371

Page 2 of 2

I hereby claim the priority benefit under Title 35, Section 365(c), of the following PCT International patent applications designating the United States:

Application No.Filing Date

Where the subject matter of the claims of this application is not disclosed in the United States or PCT priority patent applications identified above, I acknowledge the duty to disclose information known to be material to the patentability of this application that became available between the filing dates of this application and of the priority United States or PCT patent applications.

I hereby appoint as my attorneys with full power of substitution to prosecute this application and conduct all business in the United States Patent and Trademark Office associated with this application: Customer No. 021363.

**21363**

PATENT TRADEMARK OFFICE

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Pankaj K. Jha

Inventor


Signature of Inventor

Date

July 13, 2000

Post Office Address:

42613 Fern CircleFremont, CA 94538Citizen of: IndiaResidence: 42613 Fern CircleFremont, CA 94538

0325.00371-07.1400